

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

BRIAN MONTREAL RUTLAND,

Plaintiff,

vs.

CV 99-J-2313-NW

MARSHALL GARDNER,

Defendant.

ENTERED

MAR 1 2000

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 3, 2000, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b)(1) because it fails to state a claim upon which relief can be granted. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 29 day of February, 2000.



INGE P. JOHNSON
UNITED STATES DISTRICT JUDGE

11